

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv259

| | | |
|---------------------------|---|------------------|
| TAMI JEAN CONNOR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>O R D E R</u> |
| |) | |
| NORTH CAROLINA DEPARTMENT |) | |
| of TRANSPORTATION, |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER is before the Court on the Plaintiff's *pro se* letter to the Court asking that this action be dismissed [Doc. 4], the Defendant's Motion for Involuntary Dismissal [Doc. 3], and the Roseboro Order of Magistrate Judge Dennis L. Howell [Doc. 5].¹

On December 10, 2010, the Plaintiff wrote to the Court asking that her case be dismissed without prejudice. [Doc. 4]. The Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 41(b) was filed on December 20, 2010. [Doc. 3]. By Order issued on December 21, 2010, the

¹Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975).

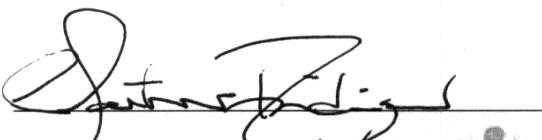
Magistrate Judge advised the Plaintiff of the burden she must carry to avoid dismissal of her lawsuit in view of the Defendant's motion to dismiss. The Plaintiff has not responded to the Magistrate Judge's Order, most likely because she has previously asked the Court to dismiss her lawsuit.

Based on the contents of the Plaintiff's letter, which is construed as a motion to dismiss without prejudice, the Court finds that the Plaintiff, although proceeding *pro se*, has made a knowing and intelligent request for the dismissal of her lawsuit. As a result, her motion will be granted.

IT IS, THEREFORE, ORDERED that the Plaintiff's *pro se* motion to dismiss without prejudice [Doc. 4] is hereby **GRANTED** and this action is hereby **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Defendant's Motion for Involuntary Dismissal [Doc. 3] is hereby **DENIED**.

Signed: January 17, 2011



Martin Reidinger
United States District Judge

